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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,812	09/07/2001	Lan-Qing Huang	L0461/7115	3475
23628	7590	09/27/2005	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211			DAVIS, MINH TAM B	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,812

Applicant(s)

HUANG ET AL.

Examiner

MINH-TAM DAVIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,9-12,17,19,20,26-29,31-33,35,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,2,4,5,9-12,17,19,20,26-29,31-33,35,37 and 38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-2, 4-5, 9-12, 17, 19-20, 26-29, 31-33, 35, 37-38, 41 are pending and are subjected to the following restriction requirement.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2, 4-5, 9-12, 17, drawn to SEQ ID NO:1 (MAGE-10), or SEQ ID NO:2 (MAGE 8), or fragments thereof.

Group II, claim(s) 19-20, drawn to MAGE-10 nucleic acid of SEQ ID NO:3, 4 or 7.

Group III, claims 19-20, drawn to MAGE-8 nucleic acid of SEQ ID NO: 5 or 6.

Group IV, claims 26-27, drawn to a polypeptide binding agent, or an antibody, specific for the nonapeptide of claim 4.

Group V, claims 28-29, 37-38, a polypeptide binding agent, or a CTL specific for a complex of the nonapeptide of claim 4 and an HLA-A2 molecule, or T-cells, and a method for producing a CTL.

Group VI, claims 31-32, drawn to the polypeptide of claim 11 and an HLA-A2 molecule.

Group VII, claim 33, drawn to an APC cell.

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Group VIII, claim 35, drawn to a method for diagnosing diseases, using the polypeptide of claim 11.

Group IX, claim 41, drawn to method for diagnosing diseases using an agent specific for SEQ ID NO:3, 4 or 7.

Group X, claim 41, drawn to method for diagnosing diseases using an agent specific for SEQ ID NO: 5 or 6.

In addition, group I is further subjected to the following species requirement.

Claims 1-2, 4-5, 9-12, 17 of group I are generic to the following species:

SEQ ID NO:1 or 2 or one of the sequences cited in claim 4, or 5, wherein the amino acid in position 2 is L or M, and wherein the amino acid in position 9 is L or V or I, or any one of SEQ ID NOs: 42, 43, 44, 45.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

It is noted that a polypeptide comprising an unbroken sequence of SEQ ID NO:1 or 2 of claims 1-2 encompasses SEQ ID NO:1 or 2, or a fragment thereof.

According to PCT Rule 13.2, unity of invention exists only when the shared same or corresponding technical feature is a contribution over the prior art. The inventions listed as groups I-X do not relate to a single general inventive concept because they lack the same or corresponding special technical feature.

The technical feature of group I, a nucleic acid molecule comprising SEQ ID NO:1 or MAGE-10, or SEQ ID NO:2 or MAGE-8 is known in the art (De Plaen, E, 1994,

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Immunogenetics, 40: 360-369), as admitted in the specification, on page 2, lines 24-25, and p.3, second paragraph, p.25, under Brief description of the sequences).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 571-272-0830. The examiner can normally be reached on 9:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY SIEW can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MINH TAM DAVIS

September 19, 2004

SUSAN UNGAR, PH.D.
PRIMARY EXAMINER

